

126CSR73

**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

**SERIES 73
School Calendar**

§126-73-1. General.

1.1. Scope. - This legislative rule sets forth general regulations related to the adoption of the annual school calendar by the county boards of education (county boards) and multi-county vocational centers.

1.2. Authority. - W. Va. Constitution, Article XII, §2 and W. Va. Code §§18-5A-5, 18-5-45 and 18A-5-2.

1.3. Filing Date.

1.4. Effective Date.

1.5. Repeal of Former Rule. - This legislative rule repeals and replaces W. Va. 126CSR73, West Virginia Board of Education (WVBE) Policy 3234, "Year-Round Education Programs," filed March 13, 2001, and effective April 12, 2001.

§126-73-2. Purpose.

2.1. The purpose of this rule is to set forth general criteria for adoption of the annual school calendar to provide county boards of education and multi-county vocational centers as much flexibility as possible so that they can develop a calendar that meets their individual needs.

§126-73-3. Application.

3.1. These regulations apply to the adoption of the school calendars for the 2014-15 school year and all subsequent years.

§126-73-4. Definitions.

4.1. Accrued instructional time - Instructional time earned during the instructional term from time added to the instructional day beyond the minimum instructional time required by W. Va. 126CSR42, West Virginia Board of Education Policy 2510, Assuring the Quality of Education: Regulations for Education Programs (Policy 2510).

4.2. Cocurricular activity - An activity that is closely related to identifiable academic programs or areas of study that serve to complement the academic and technical curricula.

4.3. County boards - The governing body charged with the supervision and control of a county board school district, which is composed of five members, nominated and elected by the voters of the respective county.

4.4. Extracurricular activity - An activity that is not part of the required instructional day or curricular offerings but that is under the supervision of the school. Examples include athletics, noninstructional

county declared a federal disaster area and where the event causing the declaration is substantially related to a reduction of instructional days.

5.6. The WVBE is authorized under W. Va. Code §18-5-45(o) to grant a waiver to a county board for noncompliance with the provisions of W. Va. Code §§18, 18A, 18B and 18C to maintain compliance in reaching the mandatory 180 separate days of instruction. Waiver requests are to be submitted in accordance with the procedures established by the WVBE, using the waiver request form developed for this purpose. The procedures and form can be found on the West Virginia Department of Education's website.

§126-73-6. Employment Term.

6.1. The school calendar shall provide for an employment term that meets the following criteria:

6.1.a. An employment term of at least 200 days, excluding Saturdays and Sundays, for all regular, full-time employees, which need not be successive.

6.1.b. The length of the employment term (from the beginning to closing dates) cannot exceed 48 weeks, in accordance with W. Va. Code §18-5-45(c)(1).

6.1.c. The minimum employment term shall consist of no less than 180 separate days of instruction, and 20 noninstructional days, comprised of the following:

6.1.c.1. Seven paid holidays (any combination of the school holidays included in W. Va. Code §18A-5-2, which are: Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day, New Year's Day, Martin Luther King's Birthday, Memorial Day, or West Virginia Day)

6.1.c.2. An election day, as specified in W. Va. Code §18A-5-2;

6.1.c.3. Six days to be designated as outside of the school environment, four of which must be scheduled after the 130th day of instruction of the school calendar;

6.1.c.4. The remaining days to be designated by the county board for purposes to include, but not be limited to:

6.1.c.4.A. Curriculum development;

6.1.c.4.B. Preparation for opening and closing school;

6.1.c.4.C. Professional development;

6.1.c.4.D. Teacher-pupil-parent conferences;

6.1.c.4.E. Professional meetings;

6.1.c.4.F. Making up days when instruction was scheduled but not conducted;

6.1.c.4.G. At least four two-hour blocks of time for faculty senate meetings with each two-hour block of time scheduled once at least every 45 days; and,

6.1.c.4.H. Scheduled out-of-calendar days that are to be used for instructional days in

7.7. In accordance with Policy 2510, co-curricular activities may, by their nature, be scheduled without regard to the use of accrued instructional time.

7.8. Extracurricular activities do not count towards meeting the minimum instructional time for an instructional day. Accrued instructional time may not be used to accommodate the scheduling of extracurricular activities during instructional days.

§126-73-8. Faculty Senate Meetings.

8.1. In accordance with W. Va. Code §18-5A-5, the school calendar must provide to each faculty senate a two-hour block of time for a faculty senate meeting on a day scheduled for the opening of school prior the beginning of the instructional term.

8.2 The school calendar must also provide four additional two-hour blocks of time during noninstructional days, with each two-hour block of time scheduled once at least every 45 instructional days. The portion of the noninstructional day scheduled for the faculty senate meeting shall be considered as part of the purpose for which the noninstructional day is scheduled.

8.3. Faculty senates may also schedule a meeting during an instructional day if sufficient accrued instructional time has been earned by a school; however, every school in the district must have earned sufficient time for all faculty senates in the district to meet in this manner.

8.4. A faculty senate may also meet for an unlimited block of time during a noninstructional day to discuss and plan strategies to improve student instruction and to conduct other faculty senate business.

8.5. A faculty senate may elect to schedule a meeting on an instructional day outside of the instructional time for students, and take compensatory time off on the noninstructional day that is provided by the county board for its meeting, as long as the meeting takes place prior to the day that is scheduled in the school calendar.

8.6. If a noninstructional day that is originally scheduled for faculty senates to meet is canceled due to inclement weather, the county board may, but is not required, to reschedule the noninstructional day in order for the faculty senates to meet.

§126-73-9. Public Hearings.

9.1. Prior to voting on a final school calendar, each county board of education must hold at least two public hearings that allow all interested parties to discuss the school calendar.

9.2. According to W. Va. Code §18-5-45, public notices of the hearings must be published as a Class II legal advertisement in accordance with the provisions of W.V. Code §59-3-1 et seq. This means the legal advertisement must be published once a week for two successive weeks in a qualified newspaper published in the publication area. Notices for both hearings can be published in one advertisement. The first notice must be published at least ten days prior to the first meeting to provide sufficient time for interested parties to plan on attending the hearing.

§126-73-10. Submission of School Calendar to WVBE for approval.

10.1. In accordance with W. Va. Code §18-5-45(k), county boards must obtain approval of the school calendar from the WVBE prior to its implementation.